

Nextel Communications, Inc.
2001 Edmund Halley Drive, Reston, VA 20191



January 31, 2003

Via Electronic Mail Delivery

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
TW-A325
Washington, DC 20554

Re: **Notice of Oral Ex Parte Communication**
Federal Preemption of Anne Arundel County Ordinance Regarding
Radio Frequency Interference, WT Docket No. 02-100

Dear Ms. Dortch:

On January 30, 2003, Lawrence R. Krevor, Vice President – Government Affairs for Nextel Communications, Inc. ("Nextel") spoke via telephone with Gary Oshinsky of the Wireless Telecommunications Bureau regarding the above-captioned proceeding.

In response to a question from Mr. Oshinsky, Nextel confirmed that it has **not** supplied a "Certificate of Non-Interference" for any existing or proposed site in response to the Anne Arundel County ordinance that is the subject of this proceeding. Nextel takes its compliance with the laws and regulations of the County extremely seriously; however, the subject ordinance is contrary to the Communications Act of 1934, as amended. While Nextel has waited almost one-year for a Commission decision in this matter, three proposed Nextel sites that would provide increased coverage and services to its customers, the citizens of Anne Arundel County, are being held in limbo.

Nextel has demonstrated its commitment to working with the County to avoid and mitigate interference that may be related to Nextel's operations. In lieu of a mere paper "certification", Nextel has repeatedly demonstrated to the County its commitment to coordination and joint testing to ensure that Nextel's operations do not cause interference to the County's public safety communications system.

Accordingly, Nextel restated to Mr. Oshinsky its belief that the Commission must declare that it has exclusive jurisdiction over the licensing and operation of CMRS facilities and that Anne Arundel's ordinance is preempted.

Pursuant to Section 1.1206 of the Commission's Rules, Nextel has electronically filed this *ex parte* notification in the above-captioned docket. Should there be any questions in regards to this matter, please contact the undersigned.

Respectfully submitted,

/s/ James B. Goldstein

James B. Goldstein
Senior Attorney – Government Affairs

cc: Gary Oshinsky